

CHIEF PROBATION OFFICERS OF CALIFORNIA



EFFECTIVE PRETRIAL PRACTICES IMPLEMENTATION TOOLKIT

Developed in Partnership by the Chief Probation Officers of California and the Pretrial Justice Institute¹

The goals of pretrial justice, as prescribed in federal law and upheld by the Supreme Court, are:

- ★ MAXIMIZING PUBLIC SAFETY
- ★ MAXIMIZING PRETRIAL RELEASE
- ★ MAXIMIZING COURT APPEARANCE

California is on the verge of a monumental shift to its justice system. The definitive future of pretrial justice in California is uncertain, as stakeholders await the fate of SB 10, which is subject to referendum in November 2020, and the case of *In re Humphrey*, which is pending before the state Supreme Court. However, as Chief Probation Officers await decisions in both of these arenas, there is still the opportunity to implement state-of-the-art, legally sound, and research-based pretrial practices. In fact, many probation departments in California already run robust and effective pretrial programs that enhance individual liberty, community safety and return to court.

The *Effective Pretrial Practices Implementation Toolkit* is intended to provide a high-level updated overview of key topics in local pretrial justice, along with analysis, practice guidance, and resources for Chief Probation Officers.

As experts in assessing and mitigating risk, probation is a natural choice for pretrial assessment and monitoring functions. Probation officers are familiar with the role of assessments in the criminal justice system as well as providing recommendations and reports to the court. Probation has the expertise needed for successful pretrial services that protect public safety while also mitigating disruptions to positive social engagement for low risk offenders. As Chairs of the Community Corrections Partnerships, California's Chief Probation Officers are well-positioned to convene pretrial stakeholders, examine local pretrial decision points, and identify opportunities for improvement.

▶ To access the toolkit online visit www.cpdoc.org

Probation departments and their partners have a substantial impact on pretrial outcomes through:

- Selection of an assessment and a related decision-making framework
- Limiting conditions of release to the least restrictive necessary
- Ensuring resources are allocated to effective conditions of release
- Offering referrals to available community-based support services
- Developing administrative responses to violations

COUNTY PROBATION SPOTLIGHTS

SAN JOAQUIN COUNTY PRETRIAL PROGRAM

The pretrial program in San Joaquin County has been hailed as a state model for successful pretrial services that both protects public safety, and gives otherwise unattainable opportunities to low-risk offenders to maintain critical community ties and employment while awaiting trial. Recently, over 130 representatives from 31 counties throughout California went to the San Joaquin County Probation Department for a day-long training on San Joaquin's successful Pretrial Program.

Individuals booked into the San Joaquin County Jail undergo a pretrial assessment by probation staff to determine if they can be released or retained in custody. A Pretrial Report is provided to the Judge to determine a defendant's release suitability. The stated goal of the program is to screen out low risk offenders from high risk offenders to assist with the jail's population management and to decrease the risk to public safety and enhance return to court.

Pretrial assessment is a step toward removing a defendant's finances from the equation of whether or not they should be free from custody during the court process.

NAPA COUNTY PRETRIAL PROGRAM

Napa County Probation runs a successful pretrial program using evidence-based practices from the time a person first enters the system, enhancing outcomes for both community safety and the accused. Pretrial programs provide the court with information in order to protect the rights of the accused and the safety of the community.

Probation officers interview defendants in the jail and provide information to the judicial officers about the defendant's ties to the community and reliability for future court appearances. They make a recommendation to the court using an objective risk assessment instrument.

Upon release, the defendant is monitored by probation while they are out of custody and probation provides referral services for defendants with substance use or mental health issues and other social service needs. Probation reminds defendants of upcoming court appearances, conducts drug testing and may recommend electronic monitoring when needed.

Napa has developed its program utilizing the standards and recommendations set by the California Association of Pretrial Services. This has helped ensure objective standards and best practices.

¹ This toolkit was developed in collaboration with the Chief Probation Officers of California and the Pretrial Justice Institute (PJI). PJI is a national, non-profit organization working for safe, fair, and effective juvenile and adult pretrial justice by promoting reforms in policing, bail, and diversion practices and policies.